

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

DARRELL K. THOMPSON, WILLIAM T. HOLT)
(deceased), LEATHA J. HOLT (next of kin), and)
NEWAIR MANUFACTURING, LLC,)

Plaintiffs,)

v.)

MEDTRONIC, INC., MEDTRONIC PUBLIC)
LIMITED COMPANY, MEDTRONIC USA, INC.,)
STRYKER CORPORATION, PHYSIO-CONTROL)
INTERNATIONAL, INC., PHYSIO-CONTROL,)
INC., PHYSIO-CONTROL MANUFACTURING,)
INC., JOLIFE AB, and BAIN CAPITAL, INC.,)

Defendants.)

Case No. 2:19-cv-2038-JPM-tmp

ORDER GRANTING PLAINTIFFS' MOTION FOR VOLUNTARY DISMISSAL

Plaintiffs filed this action on January 11, 2019 against Defendants Medtronic, Inc., Medtronic Public Limited Company, and Medtronic USA, Inc. (collectively, “Medtronic”), Stryker Corporation, Physio-Control International, Inc., Physio-Control Inc., Physio-Control Manufacturing, Inc., and Jolife AB (collectively, “Stryker Defendants”), and Bain Capital, Inc. (“Bain”). (ECF No. 1.) Since filing the initial Complaint, Plaintiffs have filed an Amended Complaint against only the Stryker Defendants and Bain. (ECF No. 48.) On May 24, 2019, this Court granted Plaintiffs’ Motion to Extend Deadline to serve Bain until June 24, 2019. (ECF No. 37.) Plaintiffs never perfected service, and Bain has made no appearances in this matter. “If a defendant is not served within 90 days after the complaint is filed, the court—on

motion or on its own notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). On October 23, 2020, Plaintiffs were provided a deadline of November 3, 2020 to show cause for failing to serve Defendant Bain. (ECF No. 58.) Pursuant to Federal Rule of Civil Procedure, Plaintiffs moved for voluntary dismissal of the action against Defendant Bain on November 3, 2020. (ECF No. 62.) Defendant Bain has not made an appearance in this action and has not been served with process. Plaintiffs’ Motion for Voluntary Dismissal of Defendant Bain is hereby GRANTED.

SO ORDERED, this 3rd day of November, 2020.

/s/ Jon P. McCalla
JON P. McCALLA
UNITED STATES DISTRICT JUDGE